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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 10/055,560 | 01/22/2002 | Mou-Shiung Lin | MEGP0009USA | 6103 |
| 27765 | 7590 | 03/09/2009 | | |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116 | | | EXAMINER MITCHELL, JAMES M | |
| | | | ART UNIT 2813 | PAPER NUMBER |
| | | | NOTIFICATION DATE 03/09/2009 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10055560 | 1/22/2002 | LIN ET AL. | MEGP0009USA |

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EXAMINER

JAMES M.. MITCHELL

| ART UNIT | PAPER |
|----------|-----------|
| 2813 | 20090301B |

DATE MAILED:

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Commissioner for Patents

The amendment to the claims filed on November 27, 2008 does not comply with the requirements of 37 CFR 1.121(c) because , the proper status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

In this case, applicant had already received a rejection on the merit. The newly added claims filed June 19, 2008 were independent or distinct from the invention originally claimed for the following reasons: because they have mutually exclusive characteristics As such, the invention had already been constructively elected by original presentation for prosecution on the merits. Accordingly, the additional restriction mailed October 31, 2008 permitting applicant to change his election was improper. The elected species was the inductor and any claims not drawn to the species should recite the proper stuts as being withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:
Since the reply filed on November 27, 2008 appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid aban-donment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/James M. Mitchell/
Examiner, Art Unit 2813